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EXAMINER
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ALBERTALLI, BRIAN LOUIS

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/829,245

Applicant(s)

LI ET AL.

Examiner

Brian L. Albertalli

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-10, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments to the claims have been entered. Claims 1, 5, and 9 are currently amended, claim 11 is currently cancelled, and new claims 12 and 13 are added.

### ***Response to Arguments***

2. Applicant's arguments filed May 11, 2006 have been fully considered but they are not persuasive.

The Applicant argues that Malkin et al. "modifies the complete audio and video signal before it is translated to a client" (see page 6, final paragraph), relying on column 7, lines 1-4 of Malkin et al.

The cited portion of Malkin et al., however, simply states "content is modified according to the control specification (237) before it is transmitted to the client (209)". This portion of Malkin et al. clearly does not require a modification of "the complete audio and video signal" as the Applicant has alleged, but only requires content is modified according to the control specification.

A further review of Malkin et al. indicates that a control specification (237) modifies content to satisfy a viewer's specification (column 5, lines 13-15). The modifiable portions of content include objects "such as a portion of a video frame or a sample of audio" (column 5, lines 23-28). This indicates, contrary to the Applicant's

assertion, that either the video portion or audio portion of content may be modified, but not necessarily both.

Furthermore, Malkin et al. disclose the control specification (237) includes information "other than" visual fuzz-balls (a modified video portion). This other information includes captions or audio translations in a particular language as requested by a viewer (column 18, lines 54-59).

Therefore, a viewer's request for modified captions or audio translations (subtitle data and audio data) modifies the captions or audio translations appropriately while without affecting the video content (reproducing video data that was originally received).

The Applicant's arguments with respect to the rejection of claims 5 and 8 under 35 U.S.C. 103(a) rely on the Applicant's arguments with respect to claim 1, which as explained above, are not persuasive.

3. For the reasons given above, the rejections made under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) in the previous Office Action are maintained.

#### ***Claim Rejections - 35 USC § 112***

4. The amendments to the claims overcome the rejection of claims 1-10 under 35 U.S.C. 112, second paragraph made in the previous Office Action. The rejection of claims 1-10 under 35 U.S.C. 112, second paragraph is withdrawn.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 6, 7, 9, 10, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Malkin et al. (U.S. Patent 6,317,795).

In regard to claims 1 and 9, Malkin et al. disclose a method for providing audio or subtitle translation data on demand to at least one of a receiver and a video device (Fig. 1, client 125, column 5, line 29-30), the method including the following steps:

said at least one of receiver and video device (set top box 125) receiving broadcast video data for a specific program or movie together with at least one of original audio data and subtitle data related to a given language (video data meeting a client's content request are received by the client with audio or captions in a language, column 6, lines 43-46, column 7, lines 1-8, and column 18, lines 54-59), which video data include:

first identification information data identifying said specific program or movie (a client request for content is determined by checking the content labels at the content server, column 6, lines 34-50 and column 8, lines 31-35);

detecting a user-performed selection of a preferred language that is different from said given language (Fig. 2, a client's content specification 238 forms a PICS profile that includes a language specification, column 6, lines 43-46, column 8, lines 53-59, and column 18, lines 54-59);

providing second information corresponding to said language (the content specification 238 provided by the client includes language selection, column 6, lines 43-46);

transmitting automatically third identification information data (mask showing request) derived automatically from said first and second identification information data to a server for requesting , based on said third identification information data from said at least one of receiver and video device, a desired at least one of audio translation data set and subtitle translation data set corresponding to said video data and corresponding to said preferred language (once the content specification 248 is determined to be possible to satisfy, a mask showing request is sent to mask provider 205 to retrieve control specifications 237 that can satisfy the viewer's content specification of language, column 6, line 58 to column 7, line 4 and column 18, lines 54-59);

receiving in said at least one of receiver and video device, said selected at least one of audio and subtitle translation data set corresponding to said third identification information data (an appropriate content version, or modification thereof, of content corresponding to the viewer's content specification 238 transmitted to the client, column 7, lines 1-4);

reproducing automatically data of said received audio or subtitle translation data set together with said video data that was originally received in said at least one receiver and video device in a temporally synchronized manner, instead of reproducing said original audio data related to a given language with said video data, wherein said reproduced at least one of audio translation data and subtitle translation data represents, corresponding to said preferred language, a language translation of said at least one of original language audio and subtitle data (Fig. 10, translated audio or captions provided in a control specification 237 by mask provider 205 are combined and synchronously displayed at step 1060, column 17, lines 14-31 and column 18, lines 54-59).

In regard to claims 2 and 10, Malkin et al. disclose the step of displaying a language menu and detecting the user-performed selection of the preferred language from the menu (Fig. 3a and 3b, user interface for storing a content specification 248 including a language selection, column 8, line 64-66 and column 18, lines 54-59).

In regard to claim 3, Malkin et al. disclose wherein from several available server-stored audio or subtitle translation data sets one is selected, wherein each of said several audio or translation data sets includes a language translation of original language audio or subtitle data related to said video data, and wherein the selected audio or subtitle translation data represents, corresponding to the preferred language, a language translation of said original language audio or subtitle data (several versions of

each movie or video are stored, each with corresponding indicators of the content, including which of several languages the video is in, column 10, lines 8-40 and column 18, lines 54-59).

In regard to claim 4, Malkin et al. disclose wherein said user performed selection is detected, and said provided second identification information corresponding to said preferred language is stored, before video data are received (the client forms a content specification 248 in a first step, before the requested video is sent to the client, column 6, lines 43-46 and column 7, lines 1-4).

In regard to claim 6, Malkin et al. disclose time stamps are used for synchronizing said video data with the data of said requested or selected audio subtitle translation set (column 17, lines 39-47 and column 18, lines 54-59).

In regard to claim 7, Malkin et al. disclose the data are MPEG-4 encoded and resynchronization marker codes are used for synchronizing (column 19, lines 45-61).

In regard to claims 12 and 13, Malkin et al. disclose said third identification information data are transmitted via an Internet connection to said server, and wherein said at least one of audio and subtitle translation data set corresponding to said third identification information data are received via said Internet connection (the network over which communications are sent is the Internet, column 5, lines 35-38).



***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malkin et al., in view of Young et al. (U.S. Patent 5,353,121).

Malkin et al. disclose the client device (Fig. 2, video device 209) has a storage device (DASD 242), but do not disclose recording video data at the client (Fig. 2, 209).

Young et al. disclose a method for recording video content using programming (Fig. 2 and Fig. 3, column 8, lines 8-19) wherein audio data automatically downloaded and stored in advance (programs are recorded to a VCR, which stores both video and audio content, column 1, lines 19-29).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Malkin et al. to record the translated audio along with the corresponding video through the use of programming, recording allows a user to view content at a convenient, later time, and programming provides an intuitive, easy interface for a user to record content, as taught by Young et al. (column 1, lines 30-39).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malkin et al., in view of Qian et al. (U.S. Patent 6,070,167).

While Malkin et al. disclose first information is stored with the content available on the content server (Fig. 2, 203), and further disclose the content broadcast to the client is MPEG video data (column 19, lines 36-61), Malkin et al. do not disclose the first information is automatically provided from corresponding teletext or MPEG7 information.

Qian et al. disclose MPEG7 data automatically provides information indicating the content of video data (column 5, lines 22-41).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Malkin et al. to use the identification information provided from MPEG7 data, so that a separate identifier would not have to be stored.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Agriharam et al. (U.S. Patent 6,845,399) discloses a system that provides audio and subtitle translation for multicast video streams.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L. Albertalli whose telephone number is (571) 272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BLA 7/5/06



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